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#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: RP9-98-089

In re Application of:

CHALLENGER ET AL.

Serial No.: 09/262,123

Filed: March 3, 1999

For: DATA PROCESSING SYSTEM AND
METHOD FOR MAINTAINING SECURE USER
PRIVATE KEYS IN NON-SECURE STORAGE

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Examiner: Zand K.

Art Unit: 2132

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MAY 14 2003

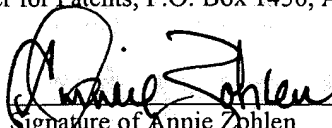
Technology Center 2100

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181**

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment dated April 22, 2003, stating a failure to timely file a proper reply to the Office letter mailed on October 16, 2002. Applicant respectfully petitions the withdrawal of abandonment for the following reasons:

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.	
5-7-03	
Date	Signature of Annie Zohlen

On November 7, 2002, Pia Lorenzana, Distribution Clerk, had a telephone conference with Examiner Kambiz Zand stating Applicant's attorney never received the Office communication mailed on October 16, 2002. As a result of this conversation, Ms. Lorenzana promptly filed, via facsimile, an Official Request to Re-send Non-Final Rejection and a Change of Correspondence Address/Form SB/122, having noted that the United States Postal Service had declined to forward correspondence to the undersigned attorney as a result of his change of firm name, despite the fact that the correspondence was, at all times, addressed to Andrew J. Dillon.

Thereafter, on January 21, 2003, Examiner Zand spoke with Deirdre Waters, Legal Secretary, indicating the Patent Office did not receive the Official Request to Re-send Non-Final Rejection and a Change of Correspondence Address/Form SB/122 filed on November 7, 2002. Therefore, Ms. Waters remitted these documents, via facsimile, in conjunction with the Communication Result Report confirming transmission and receipt of the facsimile sent on November 7, 2002 to the U.S. Patent and Trademark Office, expecting the period to be reset.

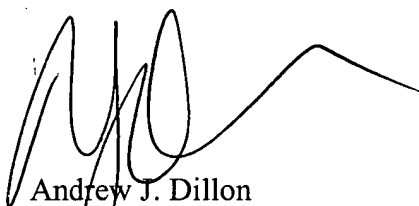
Finally, on April 17, 2003, Examiner Zand had a telephone conference with Annie Zohlen, Legal Secretary, stating the Patent Office never received the Response to the Office Communication dated October 16, 2002 or any other documents presented thereafter. Ms. Zohlen immediately faxed to Examiner Zand the aforementioned documents and the related facsimile confirmations, copies of which are enclosed. Additionally, Ms. Zohlen had a follow up conversation with Examiner Zand to ensure his receipt of the facsimile and the corresponding documents. The aforementioned documents are attached for your review.

A subsequent review through the Firm docketing systems and through the Applicant's file by the undersigned practitioner shows no receipt of the Office communication mailed October 16, 2002.

In view of the above, Applicant submits that the holding of abandonment, in the present application, was erroneous. Withdrawal of the holding of abandonment and retransmission of the Office Communication starting a new time period in which to respond is respectfully requested.

No fee is believed to be required at this time; however, in the event any fees are required, please charge IBM CORPORATION Deposit Account No. 50-0563.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'AJD', with a long horizontal stroke extending to the right.

Andrew J. Dillon
Registration No.: 29,634
BRACEWELL & PATTERSON, L.L.P.
111 Congress Avenue, Suite 2300
Austin, Texas 78701
512-472-7800

ATTORNEY FOR APPLICANT(S)

* * * COMMUNICATION RESULT REPORT (NOV. 7, 2002 11:37AM) * * *

TTI BRACEWELL PATTERSON AUSTIN

TRANSMITTED/STORED NOV. 7, 2002 11:36AM
FILE MODE OPTION

ADDRESS

RESULT

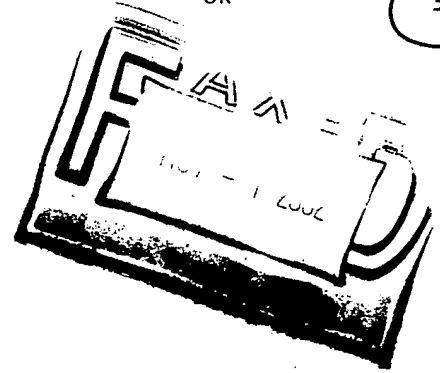
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REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
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(512) 472-9123 FACSIMILE
Toll Free: (800) 472-1401

Fax Cover Letter

Please deliver the following pages to EXAMINER KAMBIZ ZAND, FOR IMMEDIATE ATTENTION
Fax Number: 1-703-746-7239

This fax is from PIA LORENZANA (512) 542-2136 IN ANDREW J. DILLON'S OFFICE
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3 pages.

The fax machine number is (512) 472-9123. If you do not receive all pages, please call (512) 472-7800.

Message

Per our conversation re: 09/262.123: Docket No. RP9-98-089.

Enclosed is an Official Request to Re-send Non-Final Rejection and Form SB/122 for the above-referenced application.

Please do not hesitate to contact us at (512) 472-7800 should you have any questions.

Thank You!

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XC: IBM 11/8/02



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DAVID C. CHALLENGER, ET AL.

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For: **DATA PROCESSING SYSTEM
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§ Attorney Docket No. **RP9-98-089**

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Examiner: **KAMBIZ ZAND**

Group Art Unit: 2132

REQUEST TO RE-SEND NON-FINAL REJECTION

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Assistant Commissioner for Patents
Washington, D.C. 20231

MAY 14 2003

Technology Center 2100

Sir:

Applicant is aware that a new non-final rejection has been issued. Accompanying this request is a Change of Correspondence Address. Applicant respectfully requests re-transmission on the Non-Final Rejection to the new correspondence address.

Respectfully submitted,

Andrew J. Dillon

Reg. No. 29,634

BRACEWELL & PATTERSON, L.L.P.

P.O. Box 969

Austin, Texas 78767-0969

(512) 472-7800

(512) 472-3913 Facsimile

ATTORNEYS FOR APPLICANT